

CASE

NUMBER:

99-444

HISTORY INDEX FOR CASE: 1999-444UAC
NPCR, INC. DBA NEXTEL PARTNERS
Construct
CELL SITE - OLD BELLWOOD ROAD - BARDSTOWN

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION INC.
AND NPCR, INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS
COMMUNICATIONS FACILITY AT OLD BELLWOOD ROAD, BARDSTOWN, KY
40004

IN THE WIRELESS COMMUNICATIONS LICENSE AREA
IN THE COMMONWEALTH OF KENTUCKY
IN THE COUNTY OF NELSON
SITE NAME: BELLWOOD

| SEQ NBR | ENTRY DATE | REMARKS |
|------------|---------------|--|
| 0001 | 11/10/1999 | Application. |
| 0002 | 11/10/1999 | Acknowledgement letter. |
| 0003 | 12/02/1999 | No deficiencies letter |
| M0001 | 01/10/2000 | CROWN COMMUNICATIONS DAVID PIKE-MOTION TO SUBMIT FOR EXPIDITED DECISION |
| M0002 | 01/11/2000 | PIKE LEGAL GROUP DAVID PIKE-NOTICE OF INTENT TO INSTALL TEMPORARY FACILITY |
| 0004 | 01/12/2000 | Letter to David Pike from Wayne Bates re: placement of a temporary facility. |
| 0005 | 02/14/2000 | Final Order granting a Certificate to construct. |
| M0003 | 02/18/2000 | DAVID PIKE CROWN COMMUNICATIONS-FAA & KY AIRPORT ZONING COMMISSION APPROVALS |



RECEIVED

JAN 11 2000

Executive Director's Office

January 11, 2000

VIA: HAND DELIVERY
FILED IN CASE RECORD

Martin J. Huelsman
Executive Director
Kentucky Public Service Commission
730 Schenkel Lane
P. O. Box 615
Frankfort, Kentucky 40602

Wayne Bates
Manager, Division of Engineering
Kentucky Public Service Commission
730 Schenkel Lane
P. O. Box 615
Frankfort, Kentucky 40602

Re: Notice of Intent to Install Temporary Facility
Application of NPCR, Inc., ("Provider") and Crown Communication Inc. ("Crown")
PSC Case Number: 99-444 UAC
Crown Site Identification Number: KY039P
Site Name: Bellwood

Dear Martin and Wayne:

This letter is submitted as an element of the above referenced administrative file to provide notice that the Applicants intend to construct and operate a temporary facility in the immediate vicinity of the location referenced in this administrative action. The purpose of this temporary facility is to allow the Provider to provide adequate service for its customers in the area.

The temporary facility will consist of an antenna approximately 150 feet in height which is attached to a mobile trailer bed. The temporary facility will be located within a fenced compound and will include a communications cabinet. There will be no permanent attachment to the ground for any portion of the temporary facility.

*(Active case)
Willard has
Amy D. Jenkins
Dotson
No e-mail needed.
Just file.*

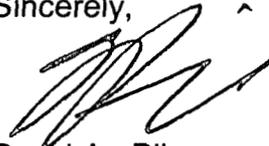


Martin Huelsman
Wayne Bates
January 11, 2000
Page 2

The temporary facility will remain at the referenced location until the Application is approved by the Public Service Commission ("PSC") and construction of the permanent facility is completed. In the event the PSC does not approve the Application, the temporary facility will be removed upon such determination.

There are no interveners in this administrative action. Notice of the possibility of a temporary tower was included in all required Notice letters forwarded simultaneously with the filing of the Application. In the event that further information is required by the PSC in order to provide a complete Notice, please do not hesitate to contact me. All written or telephone communications concerning this filing should be directed to my Shepherdsville, Kentucky office.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pike", with a stylized flourish at the end.

David A. Pike
Regional Counsel for Crown Communication Inc.

DAP:slb



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-444 UAC
NPCR, INC. DBA NEXTEL PARTNERS

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on February 14, 2000.

See attached parties of record.

Stephanie J. Bell
Secretary of the Commission

SB/hv
Enclosure

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

Lloyd D. McCarthy
Crown Communication Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Attorney for Crown Communication Inc
Pike Legal Group
200 South Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Attorney for NPCR, Inc.
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Lexington, KY. 40507 1361

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND NPCR, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT OLD BELLWOOD)
ROAD, BARDSTOWN, KY 40004 IN THE) CASE NO.
WIRELESS COMMUNICATIONS LICENSE AREA IN) 99-444-UAC
THE COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF NELSON)
SITE NAME: BELLWOOD)
SITE NUMBER: KY039P)

O R D E R

On November 10, 1999, Crown Communication Inc. ("Crown") and NPCR, Inc. d/b/a Nextel Partners (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at Old Bellwood Road, Bardstown, Nelson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 45' 48.47" by West Longitude 85° 36' 59.07".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants have notified the local planning unit of the proposed construction. To date, no comments have been filed by the local planning unit. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at Old Bellwood Road, Bardstown, Nelson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 45' 48.47" by West Longitude 85° 36' 59.07".

2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 14th day of February, 2000.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen C. Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

January 12, 2000

Mr. David A. Pike
Attorney at Law
Pike Legal Group
P. O. Box 369
Shepherdsville, KY 40165-0369

99-444 UAC

RE: Crown Communication, Inc. Notice of Placement of a Temporary Facility

Dear Mr. Pike:

The Commission is in receipt of the attached letter informing the Commission Staff of its intent to place a temporary facility. It is the opinion of the Commission staff that placement of the facilities as described is an extension in the ordinary course of business pursuant to KRS 278.020(1) and therefore a Certificate of Public Convenience and Necessity is not required.

Please be advised that this opinion does not relieve the utility from compliance with local requirements for placement of the facility.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Wayne Bates, Manager
Communications Branch
Division of Engineering

Attachment



AN EQUAL OPPORTUNITY EMPLOYER M/F/D



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

December 2, 1999

To: All parties of record

RE: Case No. 1999-444 UAC
NPCR, INC. DBA NEXTEL PARTNERS

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

FOR THE PUBLIC RECORD

RECORDED

NOV 1 1999

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND NPCR, INC)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
OLD BELLWOOD ROAD, BARDSTOWN, KY 40004)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF NELSON)

CASE NO.: 99-444 UAC

FILED

NOV 10 1999

PUBLIC SERVICE
COMMISSION

SITE NAME: BELLWOOD
SITE NUMBER: KY 039P

Crown Communication Inc., as ultimate owner, and NPCR, INC., d/b/a Nextel Partners, as a licensed public utility in the Commonwealth of Kentucky, make this application.

The property on which the WCF will be located is located at Old Bellwood Road, Bardstown, Kentucky 40004. The WCF site is geographically positioned at 37° 45' 48.47" North latitude, 85° 36' 59.07" West longitude.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

November 10, 1999

To: All parties of record

RE: Case No. 99-444 UAC
NPCR, INC. DBA NEXTEL PARTNERS
(Construct) CELL SITE - OLD BELLWOOD ROAD - BARDSTOWN

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received November 10, 1999 and has been assigned Case No. 99-444. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

Lloyd D. McCarthy
Crown Communication Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Attorney for Crown Communication Inc
Pike Legal Group
200 South Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Attorney for NPCR, Inc.
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Lexington, KY. 40507 1361

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

NOV 10 1999

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
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FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
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IN THE COUNTY OF NELSON)

CASE NO.: 99-444 UAC

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NOV 10 1999

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